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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,165	08/04/2005	Michael Roelleke	10191/3645	2896
26646 7590 03/28/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER ARTHUR JEANGLAUDE, GERTRUDE	
			ART UNIT	PAPER NUMBER
			3661	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/518,165

Applicant(s)

ROELLEKE ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13, 16-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Faye et al. (U.S. Patent No. 5,790,404).

As to claims 11, 22, Faye et al. disclose a method and system for triggering a restraint system, comprising: generating an acceleration signal that characterizes a collision (See abstract); integrating the acceleration signal to form a speed signal (See abstract; the acceleration signal is converted into a speed signal); determining a threshold value for the speed signal based on the acceleration signal, the threshold value being adapted by a first variable that is determined from at least one of a plurality of characteristics of the acceleration signal, the speed signal and at least one further sensor signal; and triggering the restraint system as a function of a comparison of the speed signal with the threshold value (See abstract; col. 1, lines 24-31).

As to claims 12, 23 Faye et al. disclose the plurality of characteristics of the acceleration signal are determined as a function of at least one of a hammer blow (See col. 1, lines 48-51, an integration window (See integrators 16, 18; col. 3, lines 1-15).

As to claim 13, Faye et al. disclose combining the plurality of characteristics by addition (using the integrators; see col. 3, lines 1-15).

As to claim 16, Faye et al. disclose filtering the acceleration signal before determining the threshold value (See Fig. 1; col. 2, lines 63-67).

As to claims 17-21, Faye et al disclose a triggering algorithm and sensor signals wherein one consider using logic matrix and dynamic and static characteristics linked in the matrix (Fast Fourier transformation) wherein the first variable is determined by logically linking at least two of the plurality of characteristics (see abstract;; col. 3, lines 16-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faye in view of Hordijk et al. (U.S. Patent No. 5,344,316).

As to claims 14-15, Faye et al. disclose all but fail to specifically disclose at least one amplifier is used to assess the first variable wherein the amplifier is adjusted adaptively. In analogous art, Hordijk et al. disclose at least one amplifier is used to assess the first variable wherein the amplifier is adjusted adaptively (See col. 2, lines 54-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Faye with that of Hordijk et al. by having an adjustable amplifier in order to generate better acceleration signals.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faye (U.S. Patent No. 6,105,705)

Mueller et al. (U.S. Patent No. 5,868,427)

Schulter et al. (U.S. Patent No. 5,379,221)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gertrude A. Jeanglaude
Primary Examiner
AU 3661

gaj